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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/088,128

05/28/2002

Andre Martin Van Der Ende

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01/10/2006

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EXAMINER

DANG, HUNG Q

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,128

Applicant(s)

VAN DER ENDE ET AL.

Examiner

Hung Q. Dang

Art Unit

2635

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 11-22 and 27-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 22, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to application's amendment received on 10/31/2005. The amended claims 1, 5, 10, 22, 25; the withdrawn claims 11-21, 27-35 and the canceled claim 23 have been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-10, 22, 23 and 26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-10, 22, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titchener et al. U.S. Patent 4,828,051 in view of Hay et al. U.S. Patent 6,531,871.

Regarding claims 1, 3 and 7, Titchener et al. teaches a communication system for use in a wellbore, the system comprising a transmitter (Figure 1, unit 28) located on the bottom of the wellbore, a wireline (Figure 1, unit 36), and a receiver (Figure 13, unit 38) located remotely from the transmitter.

Eventhough, Titchener et al. does not teach said transmitter coupled to said wireline and that said wireline acts as an antenna for the transmitter, however, one

skilled in the art would recognize that coupling a transmitter to a downhole wireline and using said wireline as an antenna have been commonly done in borehole systems, as evidenced by Hay et al. (paragraph bridging columns 11-12).

Therefore, by conventionality, it would have been obvious to one skilled in the art at the time the invention was made to couple a transmitter to the wireline disclosed by Titchener et al., and using said wireline as an antenna to transmit measured downhole data.

Regarding claim 4, the downhole tool disclosed by Titchener et al. is also suspended by the wireline (See figure 1; wireline 36 and downhole tool 32).

Regarding claim 5, the transmitter disclosed by Titchener et al. also transmits data collected or generated by the downhole tool to the receiver (see figure 13).

Regarding claim 6, the receiver disclosed by Titchener et al. is also located near the surface of the wellbore (See figure 13, receiver 38 is located near the surface of the wellbore).

Regarding claim 8, the wireline disclosed by Titchener et al. is also electrically insulated (column 11, lines 26-33).

Regarding claim 9, the wireline disclosed by Titchener et al. is also sheathed to facilitate electrical insulation (column 6, lines 23-34).

Claims 10 and 22 are rejected for the same reasons as claim 1.

Regarding claim 26, the downhole tool disclosed by Titchener et al. is also powered by a DC power supply.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Titchener et al. U.S. Patent 4,828,051 in view of Hay et al. U.S. Patent 6,531,871 Reinhardt U.S. Patent 6,216,779.

Regarding claim 2, Titchener et al. in view of Hay et al. teaches an apparatus as claimed in claim 1. However, Titchener et al. in view of Hay et al. does not specifically teach said wireline is a slickline.

Reinhardt, in the same field of endeavor, teaches a wireline system in a downhole system, which employs a slickline to lower and suspend downhole tools in said downhole (column 5, lines 5-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a slickline to the system disclosed by Titchener et al. in view of Hay et al., as evidenced by Reinhardt, so that the downhole tools can be lowered and suspended into said wellbore.

6. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titchener et al. U.S. Patent 4,828,051 in view of Hay et al. U.S. Patent 6,531,871 and in further view of Morris et al. U.S. Patent 4,537,286.

Regarding claims 24 and 25, Titchener et al. in view of Hay et al. does not teach a rope-socket as a coupling means, however, one skilled in the art would recognize that rope-socket has been commonly used for suspending equipments as evidenced by Morris et al. (column 3, lines 42-65).

Therefore, by conventionality, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a rope-socket to the system disclosed by Titchener et al. in view of Hay et al., as evidenced by Morris et al., in order to suspend said downhole tools.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571) 272-3069. The examiner can normally be reached on 9:30AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung Q. Dang
1/7/2006
H.D.

HD

MICHAEL HORABIK
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